

James A Damron III. United States Domestic Narcotic Policy: A Selective Annotated Bibliography of Federal Public Documents. A Master's paper for the M.S. in L.S. degree. April, 2001. 46 pages. Advisor: Michael Van Fossen.

This annotated bibliography contains a selection of United States Federal documents concerned with domestic narcotics policy. Composed primarily of public laws, hearings, and Supreme Court decisions, the bibliography was written in order to aid the researcher interested in how the United States has dealt with domestic narcotics policy through the course of its history. The subject matter of the annotated sources cover Prohibition, marihuana, heroin, opium, peyote, methamphetamines, and LSD. The entries are arranged chronologically. The documents themselves are part of the Federal Documents Depository collection housed at the Walter B. Davis Library at the University of North Carolina at Chapel Hill.

Headings:

Government publications--Bibliography

Information systems--Special subjects--Drugs

Book lists--Special subjects--Substance abuse

UNITED STATES DOMESTIC NARCOTIC POLICY: A SELECTIVE ANNOTATED
BIBLIOGRAPHY OF FEDERAL PUBLIC DOCUMENTS

by
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INTRODUCTION

On June 30, 1906 the Pure Food Act became public law. This Act, which made it “unlawful...to manufacture within any Territory [of the United States] or the District of Columbia any article of food or drug which [was] adulterated or misbranded,”¹ was a direct reaction to the booming patent medicine industry. The widespread use of patent medicines, which were not patented at all and often were composed of high dosages of morphine, opium, cocaine, and alcohol, shocked Congress and the legitimate medical community. Medical research was beginning to show that these formulas were often addicting. Arguably more troubling to the medical community was that often an addict of one narcotic, say cocaine, would purchase a patent medicine to remedy their addiction only to become addicted to its primary ingredient, say opium. The Pure Food Act did not outlaw the use of any narcotic substances; what it did do was to require by law standards for packaging, labeling, and quality. The essence of this Act was to protect citizens and enable them to make wise and informed decisions as consumers of patent medicines.

Seven years after the Pure Food Act was passed, legislation would be enacted that effectively made the use of cocaine and opiates a criminal offense. Commonly known as the Harrison Act, Public Law No. 47 of the 63rd Congress was designed as a revenue code requiring all persons dealing in opium or cocaine (or any of their derivatives) to “register with the collector of internal revenue of the district”² in which they carried out their business. The Act allowed for physicians to prescribe narcotics to their patients for

legitimate medical purpose “in the course of...professional practice only.”³ Some physicians took this to mean that they could legally prescribe narcotic substances to patients who were addicted to the substance to relieve the pain of withdrawal. The Treasury Department saw it differently. Their belief was that a doctor’s prescription written solely to curb the discomfort of the addict was a violation of the Act. The Supreme Court would settle the matter once and for all in *Webb Vs. U.S.* (1919). The Court held that issuing a prescription “for the purpose of providing the user with [an opiate or cocaine derivative] sufficient to keep him comfortable by maintaining his customary use”⁴ was illegal. The Pure Food and the Harrison Acts, arguably more than any others, began the longstanding and still present relationship between the United States government and the control of domestic narcotics use.

Over the years the byproduct of this relationship has been an abundance of U.S. government publications. These publications are the history of United States domestic narcotic policy. They paint a rich and detailed picture of the trends and motivations behind not only the policies but the policy makers. When one reads these documents, recurring themes and tendencies begin to emerge and the motivations behind the policy decisions of 1906 do not look that much different from those behind policy decisions of 2000. The possible exceptions to this are the Supreme Court decisions. The Court’s motivation is always based on law and precedent but this is much more difficult to trace and a particular Court may lean politically more towards one end of the spectrum than the other. Besides this exception, whether it be public laws, hearings, reports, or another form of publication (such as a workbook or information pamphlet) the United States government has tended to act in a similar fashion, with apparently similar motivations.

The first of these tendencies is that the government appears to have believed, even in the earliest stages of domestic narcotics control, that the use of narcotics is a very real danger to the public at large. This danger is believed to affect not only the individual user but society as a whole. The Pure Food Act was a measure meant to allow the consumer of medicines to know just what exactly they were purchasing and ingesting. It is important again to note that the Pure Food Act did not outlaw the use of any narcotic substances. This tendency to protect the public well-being occurs repeatedly. It is next represented in this bibliography in the Federal Food, Drug, and Cosmetic Act of 1938. The foundation laid by the Pure Food Act is furthered here and it makes necessary for any drug substance containing “any quantity of the narcotic or hypnotic substance[s]... cannabis...cocaine... heroin...opium...[or] peyote” and meant to be used by humans to have on it the following label: “Warning—May be habit forming.”⁵ Once again this is a regulatory act and the substances themselves are not outlawed.

Of course, eventually certain narcotic substances would become outlawed but even when this occurred the government felt the need to do so to protect the public’s well-being. The Drug Abuse Control Amendments of 1965 made the “manufacturing, compounding, or processing” and possession of particular depressant and/or stimulant drugs a criminal offense.⁶ The rationale behind this was that the Congress believed that “the use of such drugs, when not under the supervision of a licensed practitioner, often endanger[ed] safety on the highways.”⁷ Contemporary narcotics policies have seen the rise of a schedule of controlled substances which does not treat all illegal narcotic substances equally. This schedule, a copy of which can be found following this introduction, is a gradation of five categories in which those substances thought to be the

most dangerous are classified together in schedule I. The penalties for infractions across this schedule are not the same; those for the more dangerous drugs being more strict. The main criteria for being a schedule I drug is that the narcotic has “a high potential for abuse...[has no] currently accepted medical use...and a lack of accepted safety.”⁸ The fact that the narcotic substances are illegal may have changed since 1906 but the rationale behind the legislation has remained consistent—protection of the public’s well-being.

Besides government officials, the government has also sought out the opinions of a variety of other professionals and citizens when trying to decide legislation or policy related to domestic narcotics control. This is most noticeable in the Congressional hearings and reports. In 1918 during hearings concerning the 1919 Indian Appropriation Bill, Mrs. Gertrude Bonnim testified about what a menace peyote use had become to her native Sioux. She did more than just read a prepared statement and was engaged with questions from the members of the Committee on Indian Affairs regarding her thoughts on whether or not peyote was used legitimately as part of religious ceremony and what effect it had on her community. Also in 1918, William Sinco, a Kiowa Indian, prepared an affidavit concerning the use of peyote and mescal amongst Native Americans to be read before the House of Representatives as they discussed the prohibition of the use of peyote and mescal. In 1955 when hearings were held before a Subcommittee of the Committee on Ways and Means to discuss the traffic in narcotics, barbiturates, and amphetamines a large number of doctors, members of law enforcement, and representatives of the pharmaceutical industry were asked to appear. One byproduct of these hearings is a document that contains many different and varying viewpoints on the nature of addiction, treatment, education, and narcotics and their influence on crime.

In 1973 when the Committee on Government Operations set out to evaluate the federal effort to control drug abuse, Dr. Jerome Jaffe was called in to give a summation of a paper he had written concerning the federal response to the problems of drug abuse. Jaffe also discussed the 1960s drug “explosion” as well as drug education for parents and the counseling of abusers. After his summation he was then asked a multitude of questions from various Committee members. At first it may seem that Jaffe is being harshly interrogated by the Committee but as the questioning continues it becomes clear that the Committee members seem to be genuinely interested in Jaffe’s opinions and are seeking to gain some insight into the problems of narcotics control. It is easily ascertained from the long and varied list of professionals and citizens that have taken part in the hearings and reports over the years that these committees and subcommittees do indeed seek out knowledgeable persons to appear. Furthermore, from the back and forth questioning that is sometimes present, the respect that the members of the committees and subcommittees have, as well as their desire to learn from the testifying individuals, is apparent.

Possibly more startling than the various professionals and citizens that have been called to testify before the committees and subcommittees is that often these individuals are not in agreement with the government’s policies concerning domestic narcotics control. In 1937 during hearings concerning the taxation of marihuana, representatives of the seed industry were invited in to testify. They voiced their displeasure concerning the proposed bill which would unfairly tax what, they felt, was a crucial ingredient in their pigeon food.⁹ During these same hearings Dr. William C. Woodward of the American Medical Association testified that more testing was needed before branding marihuana as

having no medical value.¹⁰ Similarly in 1979 when the Select Committee on Narcotics Abuse and Control met to discuss drug paraphernalia, both the President of the National Accessories Association and the managing editor of *Paraphernalia* magazine were invited to voice their opposition to proposed legislation that would outlaw the possession, manufacture, and advertising of drug paraphernalia.

These oppositional voices are not limited to individuals brought in from outside the political system. This is especially noticeable during the debates surrounding the use of peyote amongst Native Americans. It seems that any time this topic was discussed at least one Senator or committee member raised the question as to whether or not the prohibition of the use of peyote was not a violation of freedom of religion. These oppositional voices are also represented in more than individual speakers. On some occasions information contrary to the government's position is inserted into the record in other ways. This practice is at its most overt in the 2000 publication *Speaking Out Against Drug Legalization*. This document, published by the DEA, lists contact information for several organizations that support drug legalization, most notably the National Organization for the Reform of Marihuana Laws (NORML) and the Alliance for Cannabis Therapeutics.¹¹

From reading these documents and taking note of the various opinions and viewpoints that were taken into consideration when planning policy and legislation it becomes clear that the committees and subcommittees sought to hear from all sides. This bringing in of the general public to speak on the issue of narcotics control should come as no surprise when one considers that it is the public at large which the government is attempting to protect. The result of this is a collection of documents that are rich in both

their varying opinions and personalities. One can easily visualize the 1919 committee room where a female Sioux testifies before a room full of white men or when the managing editor of *Paraphernalia* magazine takes the stand in 1979 surrounded by clean-cut and well attired congressmen. The committees and subcommittees sought to learn from the citizens which were called before them. Looking back on these documents it is hoped that even more can be learned as one reads and digests the texts with the advantage of hindsight and the distance of history.

METHODOLOGY

Consisting primarily of public laws, Supreme Court cases, and hearings, this annotated bibliography has been written to provide a selected reference guide to various public documents concerned with United States domestic narcotics policy. Criteria for inclusion was that a particular document dealt with domestic narcotic policy. Documents that dealt primarily with the importation/exportation of narcotics or deportation of narcotics law offenders are not included. Research was performed to locate both contemporary and historical documents concerning attempts to control narcotics traffic/possession in the United States. In the case of the latter, this turned out to be the Pure Food Act of 1906 relating to the preventing of “the manufacture, sale, or transportation of adulterated or misbranded or poisonous...foods, drugs, medicines, and liquors.” Present day efforts are represented by documents such as the Schedules of Controlled Substances from the 1994 edition of the *United States Code*. The time span covered by this bibliography is 1906-2000, the dates being dictated by the documents which were available for retrieval. The selection process also took into account space constraints as well as the overall objective of the project which was to give an outline of United States domestic narcotics policy. This is not meant to be an exhaustive bibliography but more of a beginning point for further research.

Subject searches were also performed in *Library Literature* and *LISA*. In *Library Literature* the following headings were used: Government publications—bibliography;

Information systems—Special subject—Drugs; and Book lists—Special subjects—substance abuse. In *LISA*: Government—bibliography; Drugs—bibliography; Narcotics—bibliography; and Substance Abuse—bibliography were used. In neither database were any relevant reviews or criticism found.

To locate documents, searches were performed using the library's online catalog, the *Congressional Masterfile* CD-ROMs, and the *Findlaw* online database of Supreme Court Decisions 1893-Present. Searches for background material were performed using Library of Congress subject headings; most profitable of these were the following: Drugs—Law and Legislation—United States, Drug abuse—United States, and Narcotics, control of—United States. These headings returned materials that became valuable tools in the research process. From the texts of these works, key individuals, such as New York Representative Francis Burton Harrison, involved in the narcotics debate/legislation process could be located and then further researched. Besides what could be gleaned from the text of these works, their bibliographies and appendices often included lists of specific laws, acts, and Supreme Court cases.

Of greatest use amongst the non-government publications was an online bibliography written by psychology professor Dr. Jeffrey Ratliff Crain of the University of Minnesota for his Psychology 1081 class. By using this bibliography as a starting point, many public laws from *The Statutes at Large of the United States of America* were located.

In the case of both the *Congressional Masterfile* CD-ROMs and the *Findlaw* online database, searches were performed on the following topics: heroin, marihuana, peyote, LSD, cocaine, methamphetamines, prohibition, and opium. These searches returned hundreds, if not thousands, of results. The returned citations were then examined to

determine applicability and then the documents themselves were reviewed to further whittle down their staggering number. Performing this research made apparent some of the shortcomings of *Findlaw's* search engine. These were twofold. First, there is no manner by which to perform a subject search in this database; the only way to execute searches is to perform full-text searches of the cases. This resulted in many false-drop results. More troubling was the inability to limit searches by date. This resulted in what could possibly be an incomplete list of cases. Of those that were found, those that were most relevant to the subject matter at hand were included.

Another possible shortcoming of the research was the inability to reasonably perform searches by subject terms in *The Statutes at Large of the United States of America*. There seems to be no source that allows such access to the *Statutes*. Possibly the Lexis-Nexis database may but it was not available for use. To offer some correction for this possible shortcoming, whenever a law was mentioned in another text, for example in a hearing or another Act, it would then be sought in the *Statutes*.

One of the aims when compiling this annotated bibliography was to present some documents that had not been included in other similar bibliographies or lists of domestic narcotics laws. Most notable of such inclusion is the material related to the use of peyote. None of the other sources consulted mentioned legislation concerning the prohibition of the use of peyote amongst certain Native American tribes. The inclusion of this subject matter should enrich the study of domestic narcotics policy because many of the rationales and debates surrounding the prohibition of peyote mirror those surrounding other domestic narcotics policies.

The individual annotation was written to both stand on its own and to be part of the work as a whole. Towards this end, each was cited in a similar style and contain certain details which will aid the researcher. Every effort was made to provide the most complete citation information and to follow Diane Garner's *The Complete Guide to Citing Government Information Resources : A Manual for Writers and Librarians* as closely as possible. In the instances of Supreme Court cases, the date of the decision and the Justice who delivered the opinion and Justice(s) who dissented (when applicable) are given. Details that offer insight into the nature of the document as a whole were carefully chosen for inclusion in the annotations so that the researcher can gain a feel for what the document might offer them in their research.

Finally, the entries are ordered by date. An ordering by subject (i.e. by narcotic substance) would have proven difficult as many of the documents deal with more than one narcotic. The arrangement should provide an easy manner by which to gain a grasp of how the United States has dealt with domestic narcotics policy through the course of its history.

SCHEDULES OF CONTROLLED SUBSTANCES

<u>Schedule</u>	<u>Abuse Potential</u>	<u>Examples</u>	<u>Medical Use</u>
I	Highest	heroin, LSD, marihuana	None
II	High	morphine, PCP, Cocaine	w/ Restrictions
III	Medium	amphetamines, codeine	Accepted
IV	Low	Darvon, Talwin, diazepam	Accepted
V	Lowest	over-the-counter compounds	Accepted

Adapted from *Speaking Out Against Drug Legalization*. Department of Justice, Drug Enforcement Administration. Washington: GPO, 2000, pp. 24.

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“An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes” (PL 384, 30 June 1906), 34 *The Statutes at Large of the United States of America*, pp. 768-772.

Short Title: Pure Food Act

Adopted on June 30, 1906 this Act made it “unlawful to manufacture within any Territory or the District of Columbia any article of food or drug which [was] adulterated or misbranded.” Manufacturers of such would be guilty of a misdemeanor and subject to a \$500 fine, one year’s imprisonment, or both. Repeat offense/conviction would result in a fine of not less than \$1000, one year’s imprisonment, or both. Also prohibited was the importation of these products. Penalties for importation are given. Exportation is not affected under this Act if performed in accordance with the involved country(ies)’s laws. The terms “drug” and “adulterated” are both defined in some length.

“An Act to prohibit the importation and use of opium for other than medicinal purposes.” (PL 221, 9 Feb. 1909), 35 *The Statutes at Large of the United States of*

America, pp. 614.

Adopted February 9, 1909 this Act prohibited “the importation and use of opium for other than medicinal purposes.” This covers opium and any opiate derivative or preparation. Such substances, when found, were to be subject to forfeiture and then “destroyed.” Penalties for being found guilty of possession are outlined and include fines and imprisonment. Determination of guilt is stated as such: “possession of such opium or preparation...shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.”

“An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.” (PL 223 17 Dec. 1914), 38 *The Statutes at Large of the United States of America*, pp. 785-790.

Also known as: The Harrison Act

Adopted December 17, 1914 this Act called for all persons dealing in opium or coca leaves in any of their forms to “register with the collector of internal revenue of the district [in which] his name or style, place of business, and place or places where such business [was] to be carried on.” Such persons were to register annually. Exemption of having to register for the special tax is given to officers of the United States Government

and physicians. In the case of the latter a detailed account of how records concerning such distribution must be kept is given. A person not having paid the tax would be in violation if found to be in possession opium or coca leaves. The penalties of being found in violation are given. “Person” is defined to “mean and include a partnership, association, company or corporation, as well as a natural person.”

U.S. v. Jin Fuey Moy, 514 U.S. Reports (5 June 1916) pp. 394-402.

This case, decided June 5, 1916, involves one Willie Martin having been found to be in possession of opium but “not registered with the collector of internal revenue of the district, and [having] not paid the special tax required.” Also, the defendant “issued...a written prescription for the morphine sulphate, and...did not issue it in good faith, but knew that the drug was not given for medicinal purposes, but for the purpose of supplying one addicted to the use of opium.” These were seen by the lower courts as a violation of the Anti-Narcotic Act of December 17, 1914 requiring registration and the paying of a yearly tax by all dealers of opium and coca leaves. The question then is “whether the possession conspired for is within the prohibitions of the act.” The Court upheld the findings of the earlier courts. Justice Holmes delivered the Court’s opinion. Justices Hughes and Pitney dissented.

Congressional Record, Vol. 56, Pt. 2. “Prohibition of the Use of Peyote.” 65th

Congress. Washington: GPO, 1918, pp. 11113-11115.

There is brief testimony concerning the unanimous consent of H.R. 2614 which includes “within its provisions an inhibition against the sale to Indians of peyote...[due to the fact that] peyote is being increasingly used by Indians in certain sections of the country.” The full text of the bill is present. In general the bill deals with the sale to Indians of “liquor and the use of habit forming drugs.” Fines and penalties are also part of the text. Discussion follows concerning possible amendments and changes to the bill. Of special note is that the topic of amending the bill “so as not to affect the sale of [peyote] when used for religious purposes” is raised. In the end this is rejected and the claim of peyote use as part of religious ceremony is seen as “subterfuge.”

House of Representatives. 65th Congress, 2nd Session. *Prohibition of Use of Peyote* (H. Rpt. 560). Washington: GPO, 1918. (Serial Set 7308, Vol. 2).

This twenty-six page report was submitted by Mr. Tillman of the Committee of Indian affairs in favor of House Resolution 2614 which calls for a prohibition on the use of peyote. In the words of Mr. Tillman “the practice of using peyote has grown [among various Indian tribes] to such an extent that it retards their progress and development.” The report contains “two brief articles from the *New International Encyclopedia* on the subject of peyote and hoshish [*sic*], or Indian hemp...together with other letters and statements in support” of the Resolution. Of note are excerpts from the 34th Annual Report of the Indian Rights Association (12.14.1916) entitled “The Ravages of Peyote” and the affidavit of William Sinco, a Kiowa Indian, on the use of peyote and mescal amongst Native Americans. Also present is the essay “Peyote Causes Race Suicide.”

“Indian Appropriation Bill, 1919.” H.R. 8696. *Hearings Before the Committee on Indian Affairs*, pp. 29-51. Washington: GPO. 1918. (41st-73rd Congress Greenwood Press Microfiche, Vol. 110). Y4.In2/2:AP6/11.

The topic of peyote use amongst Native Americans is introduced by Mrs. Gertrude Bonnim, a Sioux Indian who states that peyote “is a menace to our people because they can not become educated or Christianized nor proper unless they are sober.” It is discussed as to whether or not the ingesting of peyote is actually part of religious ceremony or if peyote users have “borrowed the ceremonies from the white man’s religion in order to cloak...and evade the laws.” There are several letters entered for evidence that discuss reasons for the drugs popularity amongst Native Americans and effects of the drug on the individual. Also of interest is a classification table of Winnebago adult males giving their names, age, degree of competency, and religious organization affiliation (of which the peyote church is one) compiled by Albert Kneale, then Superintendent of the Department of the Interior, U.S. Indian Service.

“Joint Resolution authorizing the President to establish zones in which intoxicating liquors may not be sold, manufactured, or distributed.” (P. Res. 40, 12 Sept. 1918), 40 *The Statutes at Large of the United States of America*, pp. 958.

This Resolution, adopted September 12, 1918, gave the President the power to “establish zones” in which the “sale, manufacture, or distribution of intoxicating liquors” would be

prohibited. These zones were to be established primarily around areas where the production of goods (i.e. war materials) was deemed necessary to advance the United States' cause in WWI. These areas included coal mines, munitions factories, and shipbuilding plants. Such zones were to be established "whenever in [the President's] opinion the creation...[was] necessary to...the proper prosecution of the war." Penalties for violating this prohibition measure are outlined.

Webb v. United States, 294 *U.S. Reports* (3 March 1919) pp. 96-100.

This case, decided March 3, 1919, deals directly with the provisions of the Harrison Act. Webb was a doctor whose "regular custom and practice [was] to prescribe morphine for habitual users." It was argued that his prescribed morphine "not after consideration of the applicant's individual case...but with such consideration and rather in such quantities as the applicant desired for the sake of continuing his accustomed use." Webb had registered and paid all taxes as required by the Harrison Act. The case came down to essentially one question; "if a practicing and registered physician issues an order for morphine to an [sic] habitual user thereof...being issued for the purpose of providing the user with morphine sufficient to keep him comfortable by maintaining his customary use, is such order a physician's prescription?". The Court held that it was not, effectively ending the practice of legally prescribing a narcotic to maintain an addicts comfort. Justice Day delivered the opinion of the Court. Chief Justice White and Justices McKenna, Van Devanter, and McReynolds dissented.

“An Act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.” (PL 66 28 Oct. 1919), 41 *The Statutes at Large of the United States of America*, pp. 305-323.

Short Title: National Prohibition Act

Adopted October 28, 1919 this Act is essentially the 18th Amendment to the U.S. Constitution making it illegal to “manufacture, sell, barter, transport, import, export, deliver, furnish, or possess any intoxicating liquor except” as outlined in the Act. An extensive definition of “intoxicating liquors” is present. Restrictions are given concerning advertising; these cover not only “intoxicating liquors” but also “any utensil, contrivance, machine...formula direction, or recipe...designed or intended for use in the unlawful manufacture of intoxicating liquor.” This prohibition does not make illegal “liquor for non-beverage purposes and wine for sacramental purposes” as well as use by physicians. Furthermore, possession of liquors in one’s “private dwelling” for personal consumption are also not outlawed.

U.S. v. Behrman, 258 *United States Reports* (27 March 1922) pp. 280-290.

This case, decided March 27, 1922, concerns whether or not a physician can prescribe narcotics controlled by the Narcotics Drug Act of 1914 to patients whose only disease is that of being addicted to the prescribed narcotic. Behrman in accordance with the Drug

Acts as a “registered physician in the course of his professional practice” prescribed compounds containing heroin, opiates, and cocaine to one Willie King. King’s only known disease was that he was addicted to these prescribed compounds. Every aspect of the prescription process was done according to the stipulations of the Drug Act. The Court held that that “the acts charged in the indictment constituted an offense within the terms and meaning of the act.” This decision was based on the fact that Behrman prescribed more than one dose of each substance and thus “enabled one, known by him to be an addict, to obtain from a pharmacist [an] enormous number of doses.” Justice Day delivered the Court’s opinion. Justices Holmes, McReynolds, and Brandeis dissented.

Agnello v. United States, 269 United States Reports (12 Oct. 1925) pp. 20-36.

This case, decided October 12, 1925, involves “charges that [the] defendants conspired together to sell cocaine without having registered with the collector of internal Revenue and without having paid the prescribed tax.” This would be in violation of the Harrison Act. Two undercover agents went to the house of Stephen Alba to purchase cocaine, having established the time and meeting place some days prior, while several uniformed policemen waited outside the house. There was no cocaine on the premises but instead one Antonio Centorino went to fetch the drug from the home of Frank Agnello and Thomas Pace. He was followed by the uniformed policemen who, looking through the windows of the house, saw the cocaine and preceded to enter the premises and arrest the individuals. And so “the case involves the question whether search of the house of Frank Agnello and seizure of the cocaine there found, without a search warrant, violated the Fourth Amendment.” The Court held that the search of Frank Agnello’s

house was in violation of the Fourth Amendment. Justice Butler delivered the Court's opinion.

United States v. Katz et al., 271 *United States Reports* (24 May 1926) pp. 354-364.

This case, decided May 24, 1926, involves two defendants charged with “conspiracy to sell intoxicating liquors without making a permanent record of the sale, in violation of” the National Prohibition Act. The defendants argued that they were not required under the Prohibition Act to keep permanent records of their transaction because only those that were authorized to sell intoxicating liquors were required to do so. In this case “the indictment failed to allege that either of the defendants charged with making the sales... held a permit, or was otherwise authorized to sell” intoxicating liquors. The government took the “position that the seller of intoxicating liquor is required by the statute to keep a permanent record of his sales, whether lawful or unlawful, and that failure to do so is itself a crime.” The Court sided with the defendants and held that in the Act the word “person” is meant to mean those that are authorized to sell intoxicating liquors. Justice Stone delivered the opinion of the Court. Justice Brandeis dissented.

Alston v. United States, 274 *United States Reports* (16 May 1927) pp. 284-294.

This case, decided May 16, 1927, was a challenge to the Harrison Act. Alston was charged with the “purchasing [of] morphine and cocaine from unstamped packages.” He pled guilty and was sentenced to imprisonment. A trial court sought to reverse the

decision for two reasons: first “that Congress has failed to prescribe any punishment for the purchase of drugs from unstamped packages” and secondly “that the entire act...is invalid because Congress has undertaken thereby to regulate matters beyond its powers and within exclusive control of the states.” The Court held that the “impositions [of the Harrison Act] are not penalties” and that it is “clearly within the power of Congress to lay taxes.” Justice McReynolds delivered the opinion of the Court.

House Miscellaneous Documents: March 9-June 16, 1933. “Message from the President of the United States Recommending Passage of Legislation for the Immediate Modification of the Volstead Act.” Washington: GPO. 1933. (Serial Set #9751, Document No. 3).

This document is a short, one paragraph, memo sent by President Franklin D. Roosevelt to the Congress on March 13, 1933. Its sole focus is the recommendation for “the passage of legislation for the immediate modification of the Volstead Act,” i.e. this document calls for a repeal of the 18th Amendment prohibiting the sale and manufacture of alcoholic beverages. Making the “manufacture and sale of beer and other beverages of such alcoholic content” legal again would, the President believed, provide “by substantial taxes, a proper and much needed revenue for the Government.” The memo concludes with the President saying “I deem action at this time to be of the highest importance.”

Hearings Before the Committee on Ways and Means: Taxation of Marihuana. H. Res. 6385. Washington: GPO. 1937. Y4.W36:M33 75-1.

The hearings took place over a five day period (April 27-30, May 4) in 1937 and contain the full text to H.R. 6385 which deals with the imposition of “an occupational excise tax upon certain dealers in marihuana.” Statements read in support of the proposed legislation, and various papers submitted by doctors, representatives of pharmaceutical companies, various business interests, and government officials in support of the same are also present. Most notably of the government officials testifying is H.J. Asslinger the then Commissioner of Narcotics. Asslinger discusses the origins, description, extent of traffic, state laws, need for Federal legislation, and international effects of marihuana. Notable among the papers read are “Marihuana—A More Alarming Menace to Society than All Other Habit-Forming Drugs” and “Marihuana as a Developer of Criminals.” There is some testimony in opposition to the bill from representatives of the seed industry who feel that marihuana seeds are a crucial ingredient of their pigeon food and Dr. William C. Woodward from the American Medical Association who feels that more testing is needed to determine the possible medical value of marihuana.

“An Act to Prohibit the Movement in Interstate Commerce of Adulterated and Misbranded Food, Drugs, Devices, and Cosmetics, and for Other Purposes.” (PL 717, 25 June 1938) 52 *The Statutes at Large of the United States of America*, pp. 1040-1059.

Short Title: Federal Food, Drug, and Cosmetic Act.

Adopted June 25, 1938 this act prohibits, most notably, “the introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded” and “the adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.” The Act begins with a lengthy definition section, such terms as “drug,” “device,” and “label” are present. Penalties are outlined as well as the Government’s right to seize prohibited substances. Chapter V deals specifically with “Drugs and Devices” and makes it necessary that “if [the drug substance] is intended for use by man and contains any quantity of the narcotic or hypnotic substance[s]...cannabis...cocaine...heroin...opium...[or] peyote” it must have the label “Warning—May be habit forming.” Legal traffickers in these substances are required to keep records of interstate shipments and the Government is give the right to perform examinations, investigations, and factory inspections.

Johnson v. United States, 333 *United States Reports* (2 Feb. 1948) pp. 10-17.

This case, decided February 2, 1948, centers around whether or not legal authorities acted correctly when “without a warrant of any kind, [they moved] to arrest petitioner and to search her living quarters.” The defendant was charged with four counts of violating federal narcotics laws. Police officers had been tipped-off by an informant (and known drug user) that the defendant was smoking opium in her living quarters. The police entered the hotel and followed the “strong odor of burning opium which to them was distinctive and unmistakable.” Arriving at the defendant’s room they knocked and announced themselves as being police officers. The door being then opened, in the words

of the officers the defendant “stepped back acquiescently and admitted us.” A search of the room revealed opium. The search was seen by the defendant as being a violation of her rights as guaranteed by the Fourth Amendment. The State held that because the search led directly to an arrest there was no violation. The Court held that the search and seizure was unconstitutional and that this finding differentiates between states “where officers are under the law, and the police-state where they are the law.” Justice Jackson delivered the opinion of the Court. Justices Black, Reed, and Burton dissented.

Hearings Before a Subcommittee on the Committee on Ways and Means: Traffic in, and Control of Narcotics, Barbiturates, and Amphetamines. Washington: GPO. 1955. Y4.W36:N16/4.

The bulk of this 1693 page document is made up of the testimony of doctors, government officials, law enforcement representatives, and representatives of the pharmaceutical industry discussing matters of addiction, the nature of addiction, addiction treatment, education about narcotics and addiction, and drug addiction and its affect on crime. The adequacy of contemporary narcotics laws and is also discussed. Several House Resolutions concerning penalties for the possession and selling narcotics are reprinted here in full text. There are several appendices consisting of letters, interim reports, statistics for narcotics arrests, summaries of state laws relating to drug addiction, and reports dealing with the “ravages” of narcotics abuse. Of great help is the “Summary of Testimony” section which lists the speakers in order as they testified with a brief summation of their comments.

“An Act to Protect the Public Health and Safety by Amending the Federal Food, Drug, and Cosmetic Act to Establish Special Controls for Depressant and Stimulant Drugs and Counterfeit Drugs, and for Other Purposes. (PL 89-74, 15 July 1965), 79 *The Statutes of the United States of America*, pp. 226-236.

Short Title: Drug Abuse Control Amendments of 1965.

Adopted July 15, 1965 this Act begins with the proclamation that “Congress hereby finds and declares that there is a widespread illicit traffic in depressant and stimulant drugs moving in or otherwise affecting interstate commerce; that the use of such drugs, when not under the supervision of a licensed practitioner, often endangers safety on the highways.” Prohibited acts include “the manufacture, compounding, or processing” of those depressant and/or stimulant drugs stipulated within the Act. Possession of these same drugs is also punishable. Penalties for infractions are outlined. There are some instances when these drugs can be produced legally but wholesalers and producers must register with the Government. The term “depressant or stimulant drug” is defined. The latter is associated with amphetamines.

“An Act to Amend Title 18 of the United States Code to Enable Courts to Deal More effectively with the Problem of Narcotic Addiction, and for Other Purposes.” (PL 89-793, 8 Nov. 1966), 80 *The Statutes at Large of the United States of America*, pp. 1438.

Short Title: Narcotic Rehabilitation Act of 1966.

This is a very short declaration of policy that became law on November 8, 1966. There are two main points. The first, “that persons charged with or convicted of violating Federal criminal laws, who are determined to be addicted to narcotic drugs, and likely to be rehabilitated through treatment should, in lieu of prosecution or sentencing...[receive] treatment designed to effect their restoration to health.” Secondly, “persons addicted to narcotic drugs who are not charged with the commission of any offense should be afforded the opportunity...for treatment.” In both cases it is hoped that treatment will help the addicted “to return to society as useful members” and that such efforts at treatment will serve as a tool to protect society “more effectively from [the] crime and delinquency which result from narcotic addiction.”

***Hearings Before a Subcommittee of the Committee on Government Operations:
Problems Relating to the Control of Marihuana. 1967. Washington: GPO. 1968.
Y4.G74/7:M33.***

This subcommittee was called together for two days in November 1967 “to discuss the problems relating to the control of marihuana.” The seventy-four page document contains the testimony of various government officials, state representatives, and Henry L. Giordano, the then United States Commissioner of Narcotics. The debate centers around whether or not marihuana should be legalized completely or reclassified from

being a narcotic to a “dangerous drug.” There is a lengthy article present, written by Dr. James Goddard, Commissioner of Food and Drugs, entitled “HEW Position on Marihuana.” In this article the advantages and disadvantages of “four possible alternatives to the marihuana problem from the Federal standpoint” are discussed. These alternatives range from leaving the laws as they were at present to legalization. Statistics for drug arrests in certain states, marihuana violators reported to the United States Attorneys Office, and charts “showing results of legislation on ratio of narcotic addiction to population” are examples of some of the statistical information included.

“An Act to Amend the Federal Food, Drug, and Cosmetic Act to Increase the Penalties for Unlawful Acts Involving Lysergic Acid Diethylamide (LSD) and Other Depressant and Stimulant Drugs, and for Other Purposes.” (PL 90-639, 24 Oct. 1968), 82 *Statutes at Large of the United States of America*, pp. 1361-62.

Adopted October 24, 1968 this Act groups LSD along with stimulant and depressant drugs and amends several sections of the Federal Food, Drug, and Cosmetic Act. Most notable among these amendments is the change in Section 201 from “any drug” to read “lysergic acid Diethylamide and any other drug.” Penalties for both first time offenders and repeat offenders , i.e. imprisonment and monetary fines, are outlined. Also of interest is the last paragraph of the Act. Here the thought is expressed that “because of the inadequate knowledge on the part of the people of the United States of the substantial adverse effects of misuse of depressant and stimulant drugs” Congress believes that

“Federal programs [are necessary] to disseminate information which may be used to educate the public, particularly young persons, regarding the dangers of drug abuse.”

United States v. Covington, 395 *United States Reports* (19 May 1969) pp. 57-61.

The defendant in this case, decided May 19, 1969, was charged by the Southern District of Ohio with “with having violated a provision of the Marihuana Tax Act by having obtained a quantity of marihuana without having paid the transfer tax imposed by the Act.” The defendant claimed that to have paid the tax would have proven a violation of his Fifth Amendment rights as marihuana was illegal under Ohio law. The District Court upheld this motion furthering that without being legally obligated to pay the tax there was no ground for an indictment. The Court affirmed the District Court’s judgment believing that “that there is no possibility of any factual dispute with regard to the hazard of [self] incrimination” had the defendant paid the tax. Justice Harlan delivered the opinion of the Court.

Minor v. United States, 396 *United States Reports* (8 Dec. 1969) pp. 87-101.

In this case, decided December 8, 1969, the “petitioner...was convicted of selling heroin to an undercover agent not pursuant to a written order on an official form, in violation of” the Harrison Narcotics Act. The person convicted of the crime believed that having to use an official order form in order to sell heroin constituted a breach of the Fifth

Amendment right against self-incrimination. The Court held that the “petitioner's argument which assumes that an order form would be forthcoming if he refused to sell without it, is unrealistic, there being no substantial possibility that a buyer could have secured an order form to obtain heroin, virtually all dealings in which are illicit.” Justice White delivered the opinion of the Court. Justices Black and Douglas dissented.

“An Act to Amend the Public Health Service Act and Other Laws to Provide Increased research into, and Prevention of, Drug Abuse and Drug Dependence; to Provide for Treatment and Rehabilitation of Drug Abusers and Drug Dependent Persons; and to Strengthen Existing Law Enforcement Authority in the Field of Drug Abuse.” (PL 91-513, 27 Oct. 1970) 84 *The Statutes at Large of the United States of America*, pp. 1230-1296.

Short Title: Comprehensive Drug Abuse Prevention and Control Act of 1970.

This Act, adopted October 27, 1970, consists of four titles. Title I pertains to “rehabilitation programs relating to drug treatment for abuse.” This is basically an appropriations section providing funding for community health centers, public hospitals, and medical treatment for addicts. Title II concerns control and enforcement of narcotics laws. Standards and schedules as they relate to authority control are outlined and there is also a schedule of controlled substances. Title II also established a “Commission on Marihuana and Drug Abuse.” Part D of this lists offenses and penalties as well as prohibitive acts, making it “unlawful for any person knowingly or intentionally to

manufacture, distribute, or dispense or posses with intent to manufacture, distribute, or dispense, a controlled substance.” Title III deals with the importation and exportation of controlled substances; Title IV outlines the procedural process of getting reports from advisory committees.

Hearings Before a Subcommittee of the Committee on Government Operations:

Evaluating the Federal Effort to Control Drug Abuse. Washington: GPO. 1973.

Y4.G74/7:D84/11/pt. 1-2

The Subcommittee met to examine the Federal approach to drug abuse in America. The opening words of Rep. Floyd Hicks hint at how serious the drug abuse problem was thought to have become: “drug abuse is a major concern of our citizens; a recent national poll indicated that it was considered the second most troubling problem in America, exceeded only by the cost of living.” Both parts contain the testimony of doctors, addiction specialists, law enforcement officials, and government officials.

The greater portion of Part 1 is the testimony of Dr. Jerome Jaffe. Jaffe gives a summation of a much longer paper which he had written on the “Federal Response to the Problems of Drug Abuse.” This summation begins with the Federal strategy as far back as the 1900s and goes through 1973. Jaffe also discusses the “Mid 1960s Drug Explosion” and such topics as drug education, drug education for parents, and the counseling of abusers. Both the success and failures of state laws are discussed. Dr. Thomas Bryant calls into question the most basic tenets of the Federal strategy believing

it “overly simplistic to think that you can develop policies dealing with specific drugs, that seem to say the drug itself is evil.” Also present at the end of the volume is a 1973 pamphlet produced by The Drug Abuse Council, Inc. entitled “A Perspective on ‘Get Tough’ Drug Laws.”

Part 2 contains testimony from similar individuals. Of note is an article by Dr. Robert DuPont, “Heroin Addiction: Light at the End of the Tunnel.” This article pertains specifically to the use of heroin in the District of Columbia and contains statistics on fatal overdoses, criminal charges, and addict age trends. According to DuPont “the heroin addiction epidemic in the District of Columbia began in 1966 and reached a peak in 1971...heroin is now ‘out’...no longer is the pusher seen as a glamorous individual.” Many other charts and graphs are present throughout the document including ones on year of first heroin use, opiate overdose deaths, and annual opiate arrests. The treating of heroin addiction with methadone is also discussed as well as treating those addicted to prescription drugs. The Hearings conclude with a reiteration of the need for funding, the training of teachers, and the need to teach children about drug abuse/addiction.

Hearing Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary: Marijuana Decriminalization. Washington: GPO. 1975. Y4.J89/2:M33/3.

The Committee met “to consider legislation relating to the appropriate legal sanctions for the private possession of small amounts of marijuana.” The full text to Public law 91-

513, the “Comprehensive Drug Abuse Prevention and Control Act of 1970,” is present as well as the testimony of several witnesses including Keith Stroup, Director of the National Organization for the Reform of Marijuana Laws, and Pat Horton, District Attorney of Eugene Oregon. At the time Oregon had decriminalized “the possession of small amounts under an ounce [of marijuana], and the use thereof.” Horton believes that “the laws must be changed to affirm what is a social practice.” The bulk of the 1108 page document is comprised of two appendices. The first contains statements, comments, and correspondences regarding marijuana control policies. The second is made up of many articles dealing with the history, development, and current status of marijuana control policies. One of the more interesting of these is “References to the Growing of Hemp in the United States” in which a September entry from George Washington’s diaries is quoted: “began to pull the seed hemp—but [it] was not sufficiently ripe.”

***Hearing Before the Select Committee on Narcotics Abuse and Control: Drug Paraphernalia.* Washington: GPO. 1980. Y4.N16:96-1-12.**

The Drug Enforcement Administration and the Department of Justice “drafted a model state statute to outlaw the possession of drug paraphernalia,” its manufacture, and advertising. The Committee met in November 1979 to discuss this and “to focus on the subject of drug paraphernalia...[to be defined as] rolling papers, pipes, free-base conversion systems, roach clips, bongs, water pipes, coke spoons, strainers, sifters,” as well as hypodermic syringes. Addiction specialists, law enforcement officials, and

government officials all testified before the Committee. Sue Rusche of Families in Action (a community organization from Georgia) testified to the pervasiveness of paraphernalia and the need to react to “the arrival...of pipes disguised as ‘Star Wars’ space guns and comic books teaching the fine points of smoking dope and snorting cocaine.” Ralph Caplan, President of the National Accessories Trade Association asks “does making the sale of ‘smoking accessories’ illegal in fact reduce drug abuse?” He then goes on to point out that there “are more than four million pipe smokers in America.” Sid Crown, managing editor of *Paraphernalia* magazine, also testified.

Reid v. Georgia, 448 *United States Reports* (30 June 1980) pp. 438-443.

This case, decided June 30, 1980, centers around the right of narcotics officers to search individuals who “fit the so-called ‘drug courier profile.’” While in the Atlanta airport Reid was seen by a narcotics agent to be looking at another man, both men were carrying shoulder bags and “apparently had no other luggage.” The two men left the terminal together and the narcotics agent followed, stopped them, asked them for identification, and was given consent to search their bags. Before the search began Reid attempted to flee and cast off his bag. He was quickly apprehended and the bag was found to contain cocaine. The Court held that “the agent could not, as a matter of law, have reasonably suspected petitioner of criminal activity on the basis of the observed circumstances.” Justice Rehnquist dissented.

“An Act to Strengthen the Federal Efforts to Encourage Foreign Cooperation in Eradicating Illicit Drug Crops and in Halting International Drug Traffic, to Improve Enforcement of Federal Drug Laws and Enhance Interdiction of Illicit Drug Shipments, to Provide Strong Federal Leadership in Establishing Effective Drug Abuse Prevention and Education Programs, to Expand Federal Support for Drug Abuse Treatment and Rehabilitation Efforts, and for Other Purposes.” (PL 99-570, 27 Oct. 1986) 100 *The Statutes at Large of the United States of America*, pp. 3207-3207/192.

Short Title: Anti-Drug Abuse Act of 1986.

This Act consists of fifteen titles. Most notable are Titles I, IV, and VIII. Title I is entitled “Anti-Drug Enforcement” and contains the text to many other Acts including: the Narcotics Penalties and Enforcement Act of 1986, the Drug Possession Penalty Act of 1986, and the Assets Forfeiture Amendments of 1986. Title IV, “Demand Reduction,” enacts the “Drug Free Schools and Communities Act of 1986.” This purpose of this was to “establish programs of drug abuse education and prevention (coordinated with related community efforts and resources) through the provision of Federal financial assistance.” The Federal aid went to the states and “institutions of higher education.” Title VIII established the “President’s Media Commission on Alcohol and Drug Abuse Prevention” as an effort to “examine public education programs...implemented through various segments of [the] mass media...[and to] encourage media outlets throughout the country to provide information aimed at preventing alcohol and drug abuse.”

“An Act to Prevent the Manufacturing, Distribution, and Use of Illegal Drugs, and for Other Purposes.” (PL 100-690, 18 Nov. 1988), 102 *The Statutes at Large of the United States of America*, pp. 4181-4545.

Short Title: Anti-Drug Abuse Act of 1988

This lengthy Act consists of ten Titles covering domestic and international drug policies. Title I, “Coordination of the National Drug Policy,” establishes “in the Executive Office of the President the ‘Office of National Drug Control Policy.’” The Director of this office is to “annually promulgate the National Drug Control Strategy.” This strategy is required to include, amongst other information, “comprehensive. Research-based long range goals for reducing drug abuse in the United States” and to “describe the balance between resources devoted to supply reduction and demand reduction.” Title III, “Development of Early Childhood Education Drug Abuse Prevention Curriculum Materials,” was written to “provide for the development of age-appropriate drug abuse education and prevention curricula, programs, and training materials for use in early child development programs” such as Head Start and Federally funded preschools. Title V, “User Accountability,” concerns such matters as drug-free public housing and drug-free school zones. In the case of the latter a National Commission on Drug-Free Schools was established.

Employment Division, Department of Human Resources of Oregon, et al. v. Smith et al, 494 *United States Reports* (17 April 1990) pp. 872-921.

This case, decided April 17, 1990, centers around First Amendment exercise rights. Two employees of a private drug rehabilitation organization in Oregon were fired because they ingested peyote for sacramental purposes during a ceremony at their Native American church. They were then denied unemployment benefits by the state of Oregon which has a law stipulating that benefits could be denied in cases where employees were dismissed due to work-related misconduct. The Court held that “The Free Exercise Clause permits the State to prohibit sacramental peyote use and thus to deny unemployment benefits to persons discharged for such use.” Justice Scalia delivered the Court’s opinion. Justice Blackmun filed a dissenting opinion.

Chapman v. United States, 500 *United States Reports* (30 May 1991) pp. 453-477.

This case, decided May 30, 1991, centers around whether or not the “carrier” (e.g. paper, sugar cube) of an LSD dose should be included in the weight of the narcotic for determining mandatory minimum sentencing. In particular, “although [the] petitioners’ pure LSD weighed only 50 milligrams, the court included the total weight of the paper and LSD, 5.7 grams, in calculating their sentences, thus requiring the imposition of the mandatory minimum sentence,” five years. This was thought, by the petitioners, to be in violation of the due process clause of the Fifth Amendment. The Court held that “the weight of the carrier medium [should] be included when determining the appropriate

sentencing for trafficking in LSD.” Justice Rehnquist delivered the Court’s opinion.

Justice Stevens filed a dissenting opinion

It Never Went Away: LSD, A Sixties Drug, Attracts Young Users in the Nineties.
Department of Justice, Drug Enforcement Administration. Washington, DC. 1992.
J24.2:D84/18.

The target audience of this six page pamphlet is difficult to discern but it seems to be written for the parent or educator. There are brief summaries of the history of LSD use in the United States, how the drug came to be, and what it is and its effects. The methods by which LSD is distributed are explained as well as myths and facts about the drug. Stories of “bad trips” are related and LSD is associated with sudden violent outbursts that take the form of both self-inflicted violence (e.g. jumping off of a building) and violence against others (e.g. the shooting of a police officer). Of particular interest are the differences made between LSD users of the Sixties and those in the Nineties. The pamphlet claims that “many early users [from the Sixties] were consciously seeking a quasi-religious experience....today young users seem interested simply in getting high.” There are several pages of reproduced “designs of LSD blotter paper.” The work closes with a list of prevention tips.

Vernonia School District 47J Petitioner v. Wayne Action, et ux., etc, 515 United States Reports (26 June 1995) pp. 646-686.

This case, decided June 26, 1995, concerns whether or not a public high school can subject student athletes to random urinalysis. An Oregon school, upon learning that

many of its student athletes were “leaders in the student drug culture,” implemented a Student Athlete Drug Policy which allowed the school to randomly perform drug tests on student athletes. A student refusing consent for the testing was suspended from participating on the school’s football team. The student and his parents filed suit believing the testing program to be in violation of the Fourth and Fourteenth Amendments. The Court held that the policy was constitutional. Justice Scalia delivered the Court’s opinion. Justices O’Connor, Stevens, and Souter dissented.

“Schedules of Controlled Substances.” Title 21 *United States Code*, pp. 290-293, 1994 ed.

This section of the Code establishes “five schedules of controlled substances to be known as” Schedules I-V. Controlled substances are categorized into one of the five schedules according to several criteria. Each schedule is defined in detail. The classification system is a gradation in which the most dangerous drugs are classified in schedule I and those thought to be less dangerous in schedule V. Towards that effect schedule I contains those that have “a high potential for abuse...[have] no currently accepted medical use in treatment...and a lack of accepted safety.” This includes opiates and hallucinogenic substances (including LSD, marihuana, mescaline, and psilocybin). Schedule V is comprised of drugs that have “a low potential for abuse....a currently accepted medical use in treatment...[and] may lead to limited physical” or psychological dependence. So called “lesser” opiates (methadone, methamphetamines, and cocaine) are listed in

schedule II. This document only contains the classifications, punishment for possession and/or use are not discussed.

“Penalties for Simple Possession.” Title 21 *United States Code*, pp. 313-315, 1994 ed.

This law took effect November 1, 1987 and makes it “unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained...pursuant to a valid prescription or order.” Under this law individuals found guilty of simple possession may be sentenced to no more than one year’s imprisonment and/or fined a minimum of one-thousand dollars. The schedule for multiple offenses is also presented. Possession of cocaine is viewed as a more serious offense and has greater penalties associated with it. The term “drug or narcotic offense” is defined. 844a pertains to possible civil penalties incurred from simple possession. When the amount of a civil penalty is being arrived at “the income and net assets of an individual shall not be relevant to the determination.” Also mentioned are when and when not a civil penalty can be assessed and the Attorney General’s role in this penalties.

***Get It Straight: The Facts About Drugs.* Department of Justice, Drug Enforcement Administration. 1996. J24.2:D84/21.**

This forty-two page document is a cross between a middle-school level workbook and a comic book. The target audience is apparent by the language used throughout the text; for example instead of labeling the table of contents as such it is labeled “here’s how the

pages shake down.” Several characters, representing varying ethnicities and gender, lead the reader through a series of readings and exercises. There are “questions...to answer, activities...to do, and role plays...to participate in.” Each particular narcotic substance is given a two or three page treatment, for example “What’s Up With Methamphetamines?”. These quasi-chapters are comprised of a description, possible street names, how the substance is sold/taken, its origin, and legal status. One of the participation exercises asks the children to come up with a “no-use drug rap” by using words like “coke” and “choke” and “high” and “cry.” There are word finds and crossword puzzles.

***Speaking Out Against Drug Legalization.* Department of Justice, Drug Enforcement Administration. Washington: GPO, 2000.**

This forty-nine page document was put out by the DEA in an attempt to formalize the ten assertions “that can be made in opposition of [illegal narcotic] legalization.” Each of the ten are two to three pages of discussion. These assertions include “crime, violence, and drug abuse go hand in hand,” “any revenue generated by taxing legalized drugs would quickly evaporate in light of increased social cost,” and “legalization would have an adverse effect on low-income communities.” A clear and concise chart of the Schedule of Narcotic substances is present as well as a chart listing “some effects of illegal drugs.” In the case of the latter the drug type is listed, both desired and undesired short-term effects, the duration of its effects, and the DEA’s assessment of risk of dependence (both physical and psychological). There is a fairly extensive bibliography of both pro and con

legalization books, newspaper articles, periodicals, and surveys/studies. There is also a list of “participants in legalization issues” which gives contact information for organizations such as the Alliance for Cannabis Therapeutics.

NOTES

1. “An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes” (PL 384, 30 June 1906), 34 *The Statutes at Large of the United States of America*, pp. 768.
2. “An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.” (PL 223 17 Dec. 1914), 38 *The Statutes at Large of the United States of America*, pp. 785.
3. *Ibid.*
4. Webb Vs. United States, 294 *U.S. Reports* (3 March 1919) pp. 96.
5. “An Act to Prohibit the Movement in Interstate Commerce of Adulterated and Misbranded Food, Drugs, Devices, and Cosmetics, and for Other Purposes.” (PL 717, 25 June 1938) 52 *The Statutes at Large of the United States of America*, pp. 1050.
6. “An Act to Protect the Public Health and Safety by Amending the Federal Food, Drug, and Cosmetic Act to Establish Special Controls for Depressant and Stimulant Drugs and Counterfeit Drugs, and for Other Purposes. (PL 89-74, 15 July 1965), 79 *The Statutes of the United States of America*, pp. 232
7. *Ibid.* pp. 226.

8. "Schedules of Controlled Substances." Title 21 *United States Code*, pp. 290, 1994 ed.
9. *Hearings Before the Committee on Ways and Means: Taxation of Marihuana*. H. Res. 6385. Washington: GPO. 1937, pp. 77. Y4.W36:M33 75-1.
10. *Ibid.* pp. 87-121.
11. *Speaking Out Against Drug Legalization*. Department of Justice, Drug Enforcement Administration. Washington: GPO, 2000, pp. 48-49.

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